

SECOND REGULAR SESSION

# SENATE BILL NO. 738

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR LOUDON.

Pre-filed December 1, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 188, RSMo, by adding thereto one new section relating to informed consent to an abortion.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 188, RSMo, is amended by adding thereto one new section, to be known as section 188.250, to read as follows:

**188.250. 1. No person shall intentionally cause, aid, or assist a minor to obtain an abortion without the consent or consents required by section 188.028.**

**2. Any person who violates subsection 1 of this section shall be civilly liable to the minor and to the person or persons required to give the consent or consents pursuant to section 188.028. A court may award damages, including attorney's fees and court costs, to any person adversely affected by a violation of this section, and may include an award for punitive damages.**

**3. It shall not be a defense to a claim brought pursuant to this section that the abortion was performed or induced pursuant to consent to the abortion given in a lawful manner in the state or place where the abortion was performed or induced.**

**4. An unemancipated minor does not have capacity to consent to any action in violation of this section or section 188.028.**

**5. A court may enjoin conduct that would be in violation of this section upon petition by the attorney general, a prosecuting or circuit attorney, or any person adversely affected or who reasonably may be adversely affected by such conduct, upon a showing that such conduct:**

**(1) Is reasonably anticipated to occur in the future; or**

**(2) Has occurred in the past and that it is not unreasonable to expect that under similar circumstances such conduct will be repeated.**

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